IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

ALLEN V. JAFFE,

Plaintiff,

v. Civil Action No. 3:30cv799

LISA SPICKLER GOODWIN; JOHN R. WALK; HIRSCHLER FLEISCHER; VIRGINIA PHOTOTHERAPY, L.L.C.; DR. RONALD MARK LANDESS; and JUDGE CATHERINE HAMMOND,

Defendants.

ORDER

Having reviewed the Complaint and the Amended Complaint herein, and the Motions to Dismiss the Amended Complaint filed by all defendants, and having reviewed the plaintiff's Motion to Present All Arguments on Motions and Special Pleas In Writing, and the responses thereto, and it appearing from the record that all claims asserted in this action are inextricably intertwined with the cases decided by the Circuit Court of Henrico County, review of which was denied by the Supreme Court of Virginia, it is hereby ORDERED that the Motion to Dismiss this action is granted because the Court lacks subject matter jurisdiction

herein under the Rooker-Feldman doctrine. District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); Hurdle v. Commonwealth of Virginia Department of Environmental Quality, 227 F. Supp. 2d 549, (E.D. Va. 2002). The action is DISMISSED without prejudice to any appeal currently pending in the state court system or from the decisions of the Supreme Court of Virginia.

In view of the decision to grant the Motions to Dismiss this action, it is hereby ORDERED that the plaintiff's Motion to Present All Arguments On Motions And Special Pleas In Writing is denied as moot.

It is further ORDERED that the facts and legal contentions are adequately presented in the materials before the Court and oral argument would not aid the decisional process.

The Initial Pretrial Conference set for January 22, 2004 is cancelled as no longer necessary.

This Order may be appealed by the plaintiff. Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the right to appeal.

Nothing herein shall foreclose further prosecution of the pending motions under Fed. R. Civ. P. 11 as to which the requisite safe harbor letters previously have been issued to the plaintiff by the defendants. Therefore, the Court shall retain

jurisdiction for the purpose of adjudicating such motions.

The Clerk is directed to send a copy of this Order to the plaintiff and to counsel for the defendants.

It is so ORDERED.

[Robert E. Payne]
United States District Judge

Richmond, Virginia
Date: January 7, 2004